IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 475 of 2006
In
COMPANY PETITION No. 114 of 2006
In
COMPANY APPLICATION No. 351 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TEXTILE LABOUR ASSOCIATION - Applicant(s)
Versus
O.L. OF RAIPUR MANUFACTURING COMPANY LTD. & 11 - Respondent(s)

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Appearance :
MR DS VASAVADA for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MR JS YADAV for Respondent(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 2 - 9,11 - 12.
MR MRUGESH JANI for Respondent(s) : 10,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 12/10/2006

ORAL JUDGMENT

By way of this Judges summons, the applicant- TLA for and on behalf of the ex-workers of the Raipur Manufacturing Company Limited (in liquidation) has prayed for an appropriate order directing the respondent No.1, Official Liquidator of Raipur Manufacturing Company Limited (in liquidation) to submit his report working out ratio qua dues of the workers and secured creditors as directed by this Court in its order dated 24-3-2006 passed in Company Application No.302 of 2003.

2. In its order dated 24-3-2006, in para 3, this Court passed the following order.

> *"Considering the above, the Official Liquidator is directed to verify the documents submitted by each secured creditors and if some of the documents are lacking, the Official Liquidator may call upon the secured creditors concerned to furnish the same and such an exercise shall be done on or before 15th June 2006. After undertaking such exercise, the Official Liquidator to get report from the Chartered Accountant and to fix the final ratio of percentage within period of one month thereafter and submit further final report so that the final order with regard to disbursement can be passed. All the other secured creditors are directed to produce the required documents if any not furnished so far."*

3. The Official Liquidator has submitted the report

dated 10th October 2006, however, on going through the report, it appears that the direction issued by this Court dated 24-3-2006 has not been fully complied with and the Official Liquidator has not determined/suggested the final percentage ratio amongst the secured creditors as well as the workers. Under the circumstances, the Official Liquidator is directed to comply with the direction issued by this Court issued in its order dated 24-3-2006, more particularly, para 3 of the said order and determine and decide the final percentage ratio to be paid between the secured creditors as well as the workers. The said exercise be completed on or before 2nd November 2006, failing which an appropriate order will be passed for non-compliance of the order passed by this Court. The Official Liquidator is directed to submit the report before this Court on the basis of such determination of final percentage ratio on 2nd November 2006, so that an appropriate final order can be passed with regard to disbursement of the amount.

4. With these, the present application is disposed off.

Direct Service permitted.

(M.R.SHAH,J.)

shekhar/-